

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

Francisco Ramirez,

Plaintiff,

vs.

NCO Financial Systems, Inc.,

Defendants.

1:11-cv-1025 RLY-MJD

**COMPLAINT SEEKING DAMAGES FOR VIOLATION OF
THE FAIR DEBT COLLECTION PRACTICES ACT**

I. Introduction

1. This is an action for actual and statutory damages, legal fees and costs pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et. seq (hereinafter referred to as the "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Id.

II. Jurisdiction and Venue

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
3. Venue lies in this District pursuant to 28 U.S.C. § 1391(b).

III. Parties

4. The Plaintiff, Francisco Ramirez, is a natural person of the full age of majority, residing in the City of Greenwood, Johnson County, Indiana.
5. The Plaintiff is a "consumer" as that term is defined by § 1692a.
6. The Defendant, NCO Financial Systems, Inc., (hereinafter referred to as "Defendant"), is a Pennsylvania Corporation engaged in the business of collecting debt in this state with its principal place of business located at 507 Prudential Road, Horsham, PA 19044. The principal purpose of Defendant is the collection of debts in this state and defendant regularly attempts to collect debts alleged to be due to another.

7. The Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as that term is defined by §1692a(6).

IV. Factual Allegations

8. The Defendant NCO Financial is a debt collection agency attempting to collect a debt from Plaintiff.
9. The Plaintiff incurred a debt to that was for primarily for personal, family or household purposes as defined by §1692(a)(5).
10. On January 19, 2011, Plaintiff retained John Steinkamp & Associates to represent him regarding this debt and a personal bankruptcy.
11. In early June, 2011, Plaintiff received calls from the Defendant. Plaintiff called Defendant back and informed it that he was filing bankruptcy and identified John Steinkamp as his legal counsel for this debt.
12. On June 16, 2011, Plaintiff's attorney John Steinkamp faxed a letter of representation to the Defendant. See a copy of the Letter of Representation attached hereto as *Exhibit "A"*.
13. The fax transmission was successful. See Verification Sheet attached hereto as *Exhibit "B"*.
14. Despite having knowledge of legal representation, Defendant contacted Plaintiff again on July 21, 2011 at 10:49a.m. Further, the Defendant has been calling the Plaintiff three times per week for the past month.

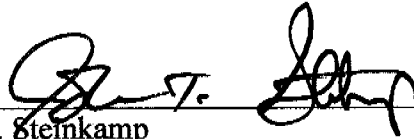
V. First Claim for Relief: Violation of the FDCPA

15. The allegations of Paragraphs 1 through 15 of the complaint are realleged and incorporated herewith by references.
16. The Defendants violated the FDCPA by continuing to contact the Plaintiff after being informed that he had retained legal counsel, pursuant to 15 U.S.C § 1692c.
17. As a result of the above violations of the FDCPA, Defendants are liable to Plaintiff for actual damages, statutory damages of \$1,000 per defendant, attorney fees, and costs.

WHEREFORE, Plaintiff, having set forth her claims for relief against Defendants, respectfully prays the Court as follows:

1. That Plaintiff has and recovers against Defendants a sum to be determined by the Court in the form of actual damages;
2. That Plaintiff has and recovers against Defendants a sum to be determined in the form of statutory damages;
3. That Plaintiff has and recovers against Defendants all reasonable legal fees and expenses incurred by the attorney;
4. That Plaintiff has such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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